



Appeal Decision

Site visit made on 18 September 2023

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th September 2023

Appeal Ref: APP/M3455/D/23/3327358

22 Rosedawn Close East, Hanley, Stoke on Trent ST1 3TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr I Samoila against the decision of Stoke-on-Trent City Council.
 - The application Ref 68823, dated 31 January 2023, was refused by notice dated 26 July 2023.
 - The development proposed is described as alterations to an existing boundary wall.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant explains in an email dated 10 August 2023 that the site address is 22 Rosedawn Close East, not No 20 as set out on the application form. That is the address I have therefore used in my banner heading.
3. The boundary wall the subject of the appeal is already in place. I have therefore dealt with the appeal on the basis of its retention. Whilst the appellant states that she was unaware of the need for planning permission, I have dealt with the scheme before me on its planning merits.

Main Issues

4. The main issues are the effect of the development on:
 - The character and appearance of the area; and
 - The safety and convenience of highway users.

Reasons

Character and appearance

5. Rosedawn Close East and Rosedawn Close West form a small, compact housing estate. The buildings here are two or three storeys high, and finished in a similar palette of materials, including red brickwork. They are prominent in the streetscene given that they are typically set back a short distance from the highway, behind either open frontages, or low red brick walls with pillars and railings. These features all contribute towards the area's cohesive and locally distinctive character.

6. The brick boundary wall as built, has a broadly similar red colour to other walls in the area, and has matching black metal railings. However, at around 2.5 metres at its highest point, it is significantly taller than most other front boundary treatment on this estate which, according to the Council, is about 1.3 metres high.
7. As a result of its height, and its position at the edge of the carriageway, it is a prominent feature in the streetscene, which has significantly diminished the local area's distinctive character of open or low-level frontages.
8. Consequently, the scheme conflicts with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 -2026 (2009) ('CSS'). Amongst other things, and in general terms, this requires development to be well designed and to respect an area's character and identity.
9. It also conflicts with the broadly similar approach in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document 2010, along with the requirement in the National Planning Policy Framework (2023) ('Framework'), and the National Design Guide (2019), for good design which contributes to the streetscene and local character, having regard to matters such as height, scale and massing.

The safety and convenience of highway users

10. The wall virtually abuts the carriageway on Rosedawn Close East, part of which in this location forms a turning head at the end of the cul-de-sac. As pointed out by a local resident, and given its height, it undoubtedly has a greater impact on visibility for highway users than the wall it replaced.
11. However, in this position towards the end of a short residential road, vehicular speeds would typically be low, and I observed a pavement for pedestrians opposite the site. Additionally, whilst at certain times of the day there may well be more vehicular movements than at the time of my visit, given the location, the road is unlikely to carry a large volume of traffic.
12. Drivers using the host property's access would typically be familiar with the local highway, and I have no reason to believe that they would not manoeuvre cautiously and at low speeds, with due care and attention for other users.
13. Consequently, I am not persuaded, from the evidence before me, that the development has had a significant impact on the safety and convenience of highway users. On this issue, the scheme does not therefore conflict with CSS Policy SP3 which promotes safe travel environments, nor with the Framework's requirement at paragraph 110 to ensure safe and suitable access for all users.

Conclusion

14. Summing up, whilst the boundary wall has not had a significant impact on the safety and convenience of highway users, it has significantly harmed the character and appearance of this locally distinctive area. It thus conflicts with the development plan when considered as a whole and, having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR